

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART I MARINE LIFE CONSERVATION DISTRICTS

CHAPTER 37

OLD KONA AIRPORT
MARINE LIFE CONSERVATION DISTRICT, HAWAII

- §13-37-1 Boundaries
- §13-37-2 Prohibited activities
- §13-37-3 Permitted activities
- §13-37-4 Exceptions; permits
- §13-37-5 Penalty

§13-37-1 Boundaries. The Old Kona Airport Marine Life Conservation District (MLCD) shall include:

- (1) That portion of the submerged lands and overlying waters offshore of the Old Kona Airport Park to the Kailua Lighthouse within the western boundary at Point "A", a straight line drawn seaward out to 500 yards extending the western boundary of the Old Kona Airport Park from the highwater mark on the shoreline and the eastern boundary from Kukailimoku Point at the Kailua Lighthouse, a straight line drawn seaward out to 500 yards at right angle (180 degrees) from the highwater mark on the shoreline; and
- (2) A "No Boating Zone" of the waters in the MLCD from the western boundary landward of the intercept of a line drawn from the southwestern corner of the private property at Point "B" to Keahuolu Point;

as provided in "Map of the Old Kona Airport Marine Life Conservation District, Hawaii 10/20/91" attached at the end of this chapter. [Eff: JUL 11 1992] (Auth: HRS §190-3) (Imp: HRS §§190-1, 190-2, 190-3)

§13-37-2 Prohibited activities. No person shall

engage in the following activities within the Old Kona Airport Marine Life Conservation District:

- (1) Fish for, catch, take, injure, kill, possess, or remove any finfish, crustacean, mollusk including live sea shell and opihi, live coral, algae or limu, or other marine life, or eggs thereof except as permitted under sections 13-37-3 and 13-37-4, respectively;
- (2) Take, alter, deface, destroy, possess, or remove any sand, seashell, coral, rock, or other geological feature, or specimen except as permitted under section 13-37-4;
- (3) Have or possess, any fishing reel, spear, trap, net, crowbar, or any other devices that may be used for the taking or altering of marine life, geological feature, or specimen except a knife for personal safety or except as permitted under sections 13-37-3 and 13-37-4, respectively;
- (4) Feed or deliberately introduce any food material, substance or device used as an attractant, directly to or in the vicinity of any aquatic organism, by any means, for any purpose except the purpose of catching and removing that aquatic organism;
- (5) Anchor a water craft in the MLCD or operate a motorboat or motor powered water craft, within the "No Boating Zone" except for emergency or enforcement purposes; or
- (6) Conduct commercial dive/tour activities except as permitted under sections 13-37-3 and 13-37-4, respectively. [Eff: JUL 11 1992] (Auth: HRS §§190-3, 190-4.5) (Imp: HRS §§190-1, 190-3, 190-4.5)

§13-37-3 Permitted activities. A person may:

- (1) Fish for, catch, take, possess, or remove:
 - (A) akule by handline at night and opelu by lift or opelu net method using bait or chum for commercial or home consumption; and
 - (B) any finfish for home consumption by throw net and pole-and-line (without reel) with bait from shore; and
- (2) Use the state mooring not longer than three hours per boat each day on a first come first serve basis for non-commercial use, provided that commercial dive/tour operations may be conducted at the mooring and from the shore with a permit. [Eff: JUL 11 1992] (Auth: HRS

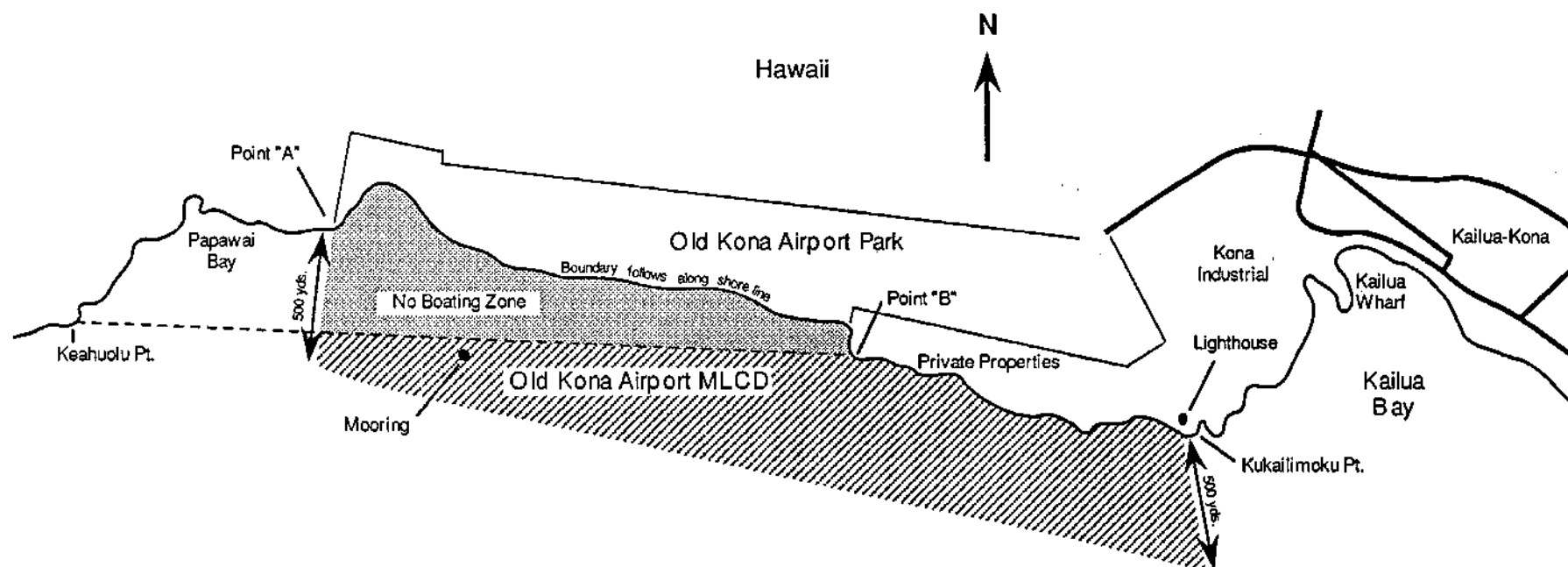
§190-3) (Imp: HRS §§190-1, 190-3)

§13-37-4 Exceptions; permits. The department may issue permits to engage in activities otherwise prohibited by law or sections 13-37-2 and 13-37-3 under such terms and conditions it deems necessary to carry out the purpose of chapter 190, Hawaii Revised Statutes:

- (1) To take for scientific, or propagation, any form of marine life or eggs thereof otherwise prohibited by law; and
- (2) To engage in commercial activity, not including the taking of marine life, with a Marine Life Conservation District Use Permit. This permit shall be non-transferable and good for a two-year duration for activities in the daytime only, and not for overnight mooring. An applicant for this permit shall pay a non-refundable permit fee of \$50, and shall indemnify, defend, and hold harmless the State of Hawaii, its successors, assigns, officers, employees, contractors, and agents from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission under permit.

The board may revoke any permit for any infraction of the terms and conditions of the permit, and a person whose permit is revoked shall not be eligible to apply for another permit until the expiration of one year from the date of revocation. [Eff: JUL 11 1992] (Auth: HRS §190-3) (Imp: HRS §§187A-6, 190-4)

§13-37-5 Penalty. A person violating the provisions of this chapter, or the terms and conditions of any permit issued as provided by this chapter, shall be punished as provided by section 190-5, Hawaii Revised Statutes. [Eff: JUL 11 1992] (Auth: HRS §190-3) (Imp: HRS §190-5)



Map of the Old Kona Airport Marine Life Conservation District, Hawaii 10/20/91